R E M A R K S

Reconsideration and withdrawal of the rejection is solicited, for the following reasons, inter alia:

1. In support of citation of the Frenkel reference, Examiner cites Frenkel as teaching, "leukotriene receptor antagonists might (underlining added) offer a new therapeutic approach for patients with the hyperimmunoglobulinaemia D and periodic fever syndrome.

2. Webster's dictionary defines "might" as, "used to indicate a possibility or probability that is weaker than "may", and
in many Southern varieties of English, "might" is used in the double word construction with "could" as in "we might could park over there". In other words, "might" and "could" are substantially the same.

3. In this regard, the mere fact that teachings found in the prior art could be used or combined as proposed by the Examiner does not make the combination obvious, absent some teaching,

suggestion or incentive supporting the combination. Carella, 804 F.2d at 140, 231 USPQ at 647 (citing ACS Hosp. Syss., Inc., 732 F.2d at 1577, 221 USPQ at 933).

In the present case, the desirability of making the total combination is not suggested by any reference or the references. In this regard, the U.S. Court of Appeals for the Federal Circuit has stated that, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ 2d 1780, 1784 (Fed. Cir.1992) (citing In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). The "manner" suggested by Examiner is a mosaic filling process.

Note also the mere fact that the prior art could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. In re Gordon, 732 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed.Cir.1984).

4. Accordingly, citation of or reliance on Frenkel against the claims is believed inappropriate in in view of 1, 2 and 3 above.

5. Further, claim 1 has been amended to include the step of administering, on an average daily basis, <u>for at least 5 months</u>, between 5 and 15 milligrams of LTRA, to a patient suffering from FMF, <u>for treatment only of FMF</u>.
No cited art teaches or suggests in any way such administration of LTPA, and particularly 5 to 15 milligrams of LTPA, for the claimed 5 months or more length of time; for treatment <u>only of FMF</u>. This is furthermore made abundantly clear in view of the courts' rulings listed in paragraph 3 above.

6. The dosages listed in PDR, and referred to by Examiner are not specifically for treatment only of FMF, specifically.

In view of the above 1-6, taken singly or cumulatively, and the amendments to the claims, it is believed and urged that the claims as amended should now

justifiably be regarded as allowable. Allowance is respectfully urged.

Respectfully submitted,

William W. Haefliger
Attorney for Applicant
Registration No.17,120
Area Code 323 684-2707

WWH:hk
Docket 12,616